



4191-02-U

## SOCIAL SECURITY ADMINISTRATION

### Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law (Pub. L.) 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and extensions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB)

Office of Management and Budget

Attn: Desk Officer for SSA

Fax: 202-395-6974

Email address: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov)

(SSA)

Social Security Administration, OLCA

Attn: Reports Clearance Director

3100 West High Rise

6401 Security Blvd.

Baltimore, MD 21235

Fax: 410-966-2830

Email address: [OR.Reports.Clearance@ssa.gov](mailto:OR.Reports.Clearance@ssa.gov)

- I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. Individuals can obtain copies of the collection instruments by writing to the above email address.

**Authorization to Disclose Information to SSA -- 20 CFR 404.1512 and 416.912, 45 CFR 160 and 164 -- 0960-0623.** Sections 223(d)(5)(A) and 1614(a)(3)(H)(i) of the Social Security Act (Act) require claimants to furnish such medical and other evidence as the Commissioner of Social Security may need to prove they are disabled. SSA must obtain sufficient evidence to make eligibility determinations for Title II and Title XVI payments. Therefore, the applicant must authorize release of information from various sources to SSA. The applicants use Form SSA-827 to provide consent for the release of medical records, education

records, and other information related to their ability to perform tasks. Once the applicant completes Form SSA-827, SSA or the State Disability Determination Service sends the form to the designated source(s) to obtain pertinent records. The respondents are applicants for Title II benefits and Title XVI payments.

Type of Request: Revision of an OMB-approved information collection.

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>
SSA-827 with electronic signature (eAuthorization)	1,922,938	1	9	288,441
SSA-827 with wet signature (paper version)	1,441,052	1	10	240,175
<b>Totals</b>	<b>3,363,990</b>			<b>528,616</b>

- II.** SSA submitted the information collections below to OMB for clearance. Your comments regarding the information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

Individuals can obtain copies of the OMB clearance packages by writing to [OR.Reports.Clearance@ssa.gov](mailto:OR.Reports.Clearance@ssa.gov).

- 1. Statement Regarding Marriage -- 20 CFR 404.726 -- 0960-0017.** According to section 216(h)(1)(A) of the Act, SSA must apply state law when determining an

individual's marital status. Some state laws recognize marriages without a ceremony (i.e., common-law marriages). In such cases, SSA provides the same spouse or widow(er) benefits to the common-law spouses as it does to ceremonially married spouses. To determine common-law spouses, SSA must elicit information from blood relatives or other persons who are knowledgeable about the alleged common-law relationship. SSA uses Form SSA-753, Statement Regarding Marriage, to collect information from third parties to verify the applicant's statements about intent, cohabitation, and holding out to the public as married, which are the basic tenets of a common-law marriage. SSA uses the information to determine if a valid marital relationship exists, and if the common-law spouse is entitled to Social Security spouse or widow(er) benefits. The respondents are third parties who can confirm or deny the alleged common-law marriage.

Type of Request: Revision of an OMB-approved information collection.

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>
SSA-753	40,000	1	9	6,000

## **2. Request for Waiver of Overpayment Recovery or Change in Repayment**

**Notice -- 20 CFR 404.502-404.513, 404.515 and 20 CFR 416.550-416.570, 416.572 -- 0960-0037.** When Social Security beneficiaries and Supplemental Security Income (SSI) recipients receive an overpayment, they must return the extra money. These beneficiaries and recipients can use Form SSA-632-BK to

take one of three actions: (1) Request an exemption from repaying, as recovery of the payment would cause financial hardship; (2) inform SSA they want to repay the overpayment at a monthly rate over a period longer than 36 months; and (3) request a different rate of recovery. In the latter two cases, the respondents must also provide financial information to help the agency determine how much the overpaid person can afford to repay each month. Respondents are overpaid beneficiaries or SSI recipients who are requesting: (1) A waiver of recovery of an overpayment, or (2) a lesser rate of withholding.

Type of Request: Revision of an OMB-approved information collection.

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>
Waiver of Overpayment (Completes Whole Paper Form)	400,000	1	120	800,000
Change in Repayment (Completes Partial Paper Form)	100,000	1	45	75,000
Regional Application (New York Debt Management)	44,000	1	120	88,000
Internet Instructions	500,000	1	5	41,667
<b>Totals</b>	<b>1,044,000</b>			<b>1,004,667</b>

### **3. Annual Earnings Test Direct Mail Follow-Up Program Notices -- 20 CFR**

**404.452-404.455 -- 0960-0369.** SSA developed the Annual Earnings Test Direct Mail Follow-up Program to improve beneficiary reporting on work and earnings during the year and earnings information at the end of the year. SSA may reduce benefits payable under the Act when an individual has wages or self-employment income exceeding the annual exempt amount. SSA identifies beneficiaries likely to receive more than the annual exempt amount, and requests more frequent estimates of earnings from them. When applicable, SSA also requests a future year estimate to reduce overpayments due to earnings. SSA sends letters (SSA-L9778, SSA-L9779, SSA-L9781, SSA-L9784, SSA-L9785, and SSA-L9790) to beneficiaries requesting earnings information the month prior to their attainment of full retirement age. We send each beneficiary a tailored letter that includes relevant earnings data from SSA records. The Annual Earnings Test Direct Mail Follow-up Program helps to ensure Social Security payments are correct, and enables us to prevent earnings-related overpayments, and avoid erroneous withholding. The respondents are working Social Security beneficiaries with earnings over the exempt amount.

Type of Request: Extension of an OMB-approved information collection.

NOTE: This is a correction notice. When we published the 60-day Notice for this collection on 3/21/14 at 79 FR 15782 we listed it as a revision; however, this is an extension of a currently approved information collection.

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>
SSA-L9778	42,630	1	10	7,105
SSA-L9779	158,865	1	10	26,478
SSA-L9781	472,437	1	10	78,740
SSA-L9784	1,270	1	10	212
SSA-L9785	15,870	1	10	2,645
SSA-L9790	45,000	1	10	7,500
<b>Totals</b>	<b>736,072</b>			<b>122,680</b>

#### **4. Questionnaire for Children Claiming SSI Benefits -- 0960-0499.**

Section 1631(d)(2) of the Act allows SSA to determine the eligibility of an applicant's claim for SSI payments. Parents or legal guardians seeking to obtain or retain SSI eligibility for their children use Form SSA-3881-BK to provide SSA with the addresses of non-medical sources such as schools, counselors, agencies, organizations, or therapists who would have information about a child's functioning. SSA uses this information to help determine a child's claim or continuing eligibility for SSI. The respondents are applicants who appeal SSI childhood disability decisions or recipients undergoing a continuing disability review.

Type of Request: Revision of an OMB-approved information collection.

<b>Modality of Collection</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden per Response (minutes)</b>	<b>Total Annual Burden (hours)</b>
Appeals Cases	65,000	1	30	32,500
Disability Review Cases	45,000	1	30	22,500
<b>Total</b>	<b>110,000</b>			<b>55,000</b>

**5. Social Security Administration Eligible Non-Attorney Representative -- 20**

**CFR 404.1717, 404.1745 - 404.1799, 416.1517, and 416.1545 - 416.1599 --**

**0960-0699.** Section 3 of the Social Security Disability Applicants Access to Professional Representation Act (PRA) of 2010, Pub. L. 111-142, permanently extends the direct payment provision of Section 303 of the Social Security Protection Act (SSPA) of 2004, Pub.L. 108-203. The PRA permits SSA to extend direct payment of approved fees from claimants' past-due benefits to certain non-attorney representatives. Prior to the enactment of the SSPA and PRA, only attorneys could receive direct payment of SSA-approved fees. Under the PRA, non-attorneys must meet certain prerequisites to be eligible for direct payment of fees. These prerequisites include: (1) A bachelor's degree from an accredited institution of higher education, or four years of relevant professional experience and a high school diploma or General Education Development (GED) certificate; (2) passing a written examination administered by SSA testing the knowledge of relevant provisions of the Act under Titles II and XVI; (3) securing and maintaining continuous professional liability insurance, or equivalent, to protect claimants from malpractice; (4) passing a criminal background check; (5) demonstrating ongoing completion of continuing education courses. The PRA requires SSA to collect the information needed to determine if applicants have satisfied these prerequisites. SSA uses the information we collect on Form SSA-1691 to determine whether an applicant has fulfilled the statutory prerequisites and regulatory requirements as listed above. To verify this information, we also request the five required items listed above from each new



applicant, and we request items #3 and #5 from all non-attorney representatives (new and existing) on a yearly basis. Every year, SSA evaluates the applications, conducts verification investigations, and issues recommendations regarding applicants' eligibility to sit for the examination and eligibility to receive direct payment. The respondents are non-attorneys who want to receive direct payment of their fees for representational services before SSA.

Type of Request: Extension of an OMB-approved information collection.

NOTE: This is a correction notice. When we published the 60-day Notice for this collection on 3/21/14 at 79 FR 15782 we listed it as a revision; however, this is an extension of a currently approved information collection.

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>
New Respondents – Paper Application (complete and submit) – 404.1717(b)&(c); 416.1517(b)&(c)	200	1	45	150
New Respondents Examination – 404.1717(a)(5); 416.1517(a)(5)	200	1	120	400
New Respondents - Submission of proof of Bachelor's Degree or Equivalent Qualifications – 404.1717(a)(3); 416.1517(a)(3)	200	1	10	33
New and Existing Respondents - CE Submission via email/mail/or FAX of				

training courses taken as prescribed by SSA – 404.1717(a)(7); 416.1517(a)(7)	710	1	20	237
New and Existing Respondents - Proof of Continuous Professional or Business Liability Insurance Coverage (Scan and Email) – 404.1717(a)(6); 416.1517(a)(6)	672	1	10	112
New and Existing Respondents - Proof of Continuous Professional or Business Liability Insurance Coverage (Copy and Mail) - 404.1717(a)(6); 416.1517(a)(6)	38	1	15	10
New and Existing Respondents - Written Protests – 404.1717(d); 416.1517(d)	45	1	45	34
<b>Totals</b>	<b>2,065</b>			<b>976</b>

Dated: May 23, 2014.

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Faye Lipsky,

Reports Clearance Director,

Social Security Administration.

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